

**GENERAL INSTRUCTIONS
TO
REPORT SUSPECTED DEPENDENT ADULT/ELDER ABUSE**

1. Mandated reporters are to complete this form for each incident and each victim of suspected physical abuse of a dependent adult or elder person with two (2) working days of the telephone report to your County Adult Protective Services (APS) agency or local long-term care ombudsman program or local law enforcement agency. This form may also be used by mandated reporters for permissive reporting of each incident and each victim of suspected other types of abuse of a dependent adult or elder person.
2. If any item of information is unknown, write “unknown” beside the item.
3. Mandated reporters (see below) are required to give their names.
4. If the suspected abuse is physical abuse send one copy of this report to the County Adult Protective Services Agency* or local law enforcement agency or if the suspected physical abuse occurred in a long-term care facility (i.e., nursing home, community care facility, residential care facility for the elderly, adult day health care center) send one copy of the report to the local long-term care ombudsman or a local law enforcement agency.
5. All reports of non-physical abuse may be sent to the local long-term care ombudsman if the suspected abuse occurred in a long-term care facility or to the County Adult Protective Services Agency if the suspected abuse occurred anywhere else.
6. This form is also to be used by the receiving agency to record information received through a telephone report of dependent adult/elder abuse. Complete shaded sections on the form when a telephone report of abuse is received as required by statute and the Department of Social Services.

Reporting Instructions

Purpose

This form, as adopted by the Department of Social Services, is required under Welfare and Institutions Code, Chapter 11, Division 9, Sections 15630(a)(1)(2) and 15633(a)(b).

Also, this form serves to document the information given by the reporting party on the suspected incident of physical abuse of an elder and dependent adult. “Elder” means any person residing in this state, 65 years of age or older, “Dependent adult” means any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “Dependent adult” includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

Reporting Responsibilities

Any elder or dependent adult care custodian, health practitioner, or employee of a county adult protective services agency* or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment, either has observed and incident that reasonably appears to be physical abuse, has observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury, clearly indicates that physical abuse has occurred, or is told by an elder or dependent adult that he or she has

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experienced behavior constituting physical abuse, shall report the known or suspected instance of physical abuse either to the long-term care ombudsman coordinator or to a local law enforcement agency when the physical abuse is alleged to have occurred in a long-term facility, or to either the county adult protective services agency* or to a local law enforcement agency when the physical abuse is alleged to have occurred anywhere else, immediately or as soon as possible by telephone, and shall prepare and send a written report (SOC 341) thereof within two (2) working days.

When two or more person who are required to report are present and jointly have knowledge of a suspected instance of elder abuse or abuse of a dependent adult and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected members of the reporting teams. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make a report.

Any person knowingly failing to report, when required, and instance of elder or dependent adult abuse is guilty of a misdemeanor punishable by imprisonment in the county jail for a maximum of six months or fined \$1,000 or both imprisonment and fine.

The identity of all persons who report under Chapter 11 shall be confidential and disclosed only between adult protective services agencies,* local law enforcement agencies, long-term care ombudsman coordinators, Bureau of Medi-Cal Fraud and Patient Abuse of the Office of the Attorney General, licensing agencies, or their counsel, the district attorney in a criminal prosecution, or upon waiver of confidentiality by the reporter, or by court order.

Reporting Party Definitions (Mandated Reporters)

Any elder or dependent adult care custodian, health practitioner or employee of a county adult protective services agency* or a local law enforcement agency.

“Care Custodian” is defined as an administrator or an employee of any of the following public or private facilities which provide care for elders and dependent adults except persons who do not work directly with elder and dependent adults as part of their official duties (including support and maintenance staff):

24-hour health facilities [as defined in Health and Safety (H&S) 1250, 1250.2, 1250.3]	State Departments of Social Services and Health Services licensing divisions		
Clinics	County Welfare Departments		
Home health agencies	Patient’s rights advocate offices		
Adult day health care centers	Offices of the Long-term care ombudsman		
Sheltered Workshops	Offices of public guardians and conservators		
Camps	Secondary schools serving 18-22 year-old dependent adults and post-secondary educational institutions which serve dependent adults or		
Respite care facilities	elders		
Residential care facilities for the elderly (H&S) Code 1569.2)	Any other protective or public assistance agency which provides health		
Community care facilities (H&S Code 1502)	or social services to elders or dependent adults		
Regional center for persons with developmental disabilities	[WIC Section 15610(h)]		
“Health Practitioner” means:	Intern	Psychiatrist	Paramedic
Physician and surgeon	Chiropractor	Dentist	Pharmacist
Psychologist	Dental Hygienist	Podiatrist	Optometrist
Resident	Licensed clinical social worker	Licensed nurse	

A marriage, family and child counselor trainee or unlicensed intern as defined in subdivision (c) of Section 4980.03 and Section 4980.44 respectively of the Business and Professions Code.

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Marriage, family and child counselor or any other person licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

Any emergency medical technician I or II.

Any person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

State or county public health or social service employee who treats an elder or dependent adult for any condition.

Coroner.

Religious practitioner who diagnoses, examines or treats elders or dependent adults.

[WIC Section 15610(1)]